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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,052	07/22/2003	Chia-Hua Chen		1101
25859	7590	08/04/2005	EXAMINER	
WEI TE CHUNG				CHIANG, JACK
FOXCONN INTERNATIONAL, INC.				
1650 MEMOREX DRIVE				
SANTA CLARA, CA 95050				
				2642
				ART UNIT PAPER NUMBER

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/625,052	CHEN ET AL.	
	Examiner	Art Unit	
	Jack Chiang	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/22/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 5, 7, 8, 10, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Salter et al. (US 6209173).

Regarding claim 1, Salter shows:

A back cover (bottom cover in fig. 6a);

A front cover (top cover in fig. 6a);

The back cover (bottom cover) forms a main joint portion (area of 78, 80) which has an arcuate wall having a cutout portion (see 80);

The front cover forms a shell (39);

When assembling the back and front covers, a knuckle (39, 80) is formed by means of the shell (39) engaging the main joint portion on the cutout portion (80) thereof.

Regarding claim 10, Salter shows:

A back cover (bottom cover in fig. 6a);

A front cover (top cover in fig. 6a);

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a knuckle (39, 80) extends from the foot of the cover to join the back and front covers together;

the knuckle (39, 80) comprises a main joint portion (area of 78, 80) and a shell (39); a main joint portion (area of 78, 80) having a cutout portion (see 80) for receiving the shell (39);

a distinct line (between 39, 80) is formed at the joint of the shell (39) and the main joint portion (80) along the knuckle (39, 80).

Regarding claim 2, 4, 5, 7, 8, 11, 12, Salter shows:

The cutout portion having a first edge (see 80) which presses against a second edge (see 80) of the shell;

The shell comprising a curve plate (see 39) which closely fit to the cutout portion (see 78, 80);

First fastening means which are posts and blocks (see cylindrical posts on bottom cover);

The main joint portion is a casing tube comprising the arcuate wall and a channel (see 80).

3. Claims 1-2, 4-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi (US 6754507).

Regarding claim 1, Takagi shows:

A back cover (131, see fig. 6);

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A front cover (121);

The back cover (131) forms a main joint portion which has an arcuate wall having a cutout portion (area of 136);

The front cover forms a shell (see area of 126);

When assembling the back and front covers (figs. 6, 11), a knuckle (136, 126) is formed by means of the shell (area of 126) engaging the main joint portion on the cutout portion (area of 136) thereof.

Regarding claim 10, Salter shows:

A back cover (131);

A front cover (121);

a knuckle (136, 1261) extends from the foot of the cover to join the back and front covers together;

the knuckle (136, 126) comprises a main joint portion (area 136) and a shell (area of 126);

a main joint portion (area 136) having a cutout portion for receiving the shell (area of 126);

a distinct line (at 126) is formed at the joint of the shell (126) and the main joint portion (area of 136) along the knuckle (126, 136) (see also the joint line on 103 in fig. 9).

Regarding claim 13, Takagi shows:

Opposite first and second halves (131, 121, see fig. 6);

The first half (131) defining a the knuckle (see area of 136) with a channel (see also the cable) and an outward arcuate wall (see wall of 136);

The second half (121) having an inward arcuate mating wall (see wall of 126) at least partially circumferentially compliantly covering and supportably seated upon the outward wall (wall of 136);

An opening (127) and a projection (162);

The knuckle (136, 126) defines a groove (see also the cable) for communication between the channel and the interior space.

Regarding claim 2, 4-9, 11-12, Salter shows:

The cutout portion having a first edge which presses against a second edge of the shell (see joint area between the upper and lower hinge 103 in fig. 19);

The shell comprising a curve plate (see curve wall 126) which closely fit to the cutout portion (see area of 136, see also 103 in fig. 19);

First fastening means which are opening/projection or screws/holes (137, 162 which is adjacent to 136, 126);

The main joint portion is a casing tube comprising the arcuate wall and a channel (see area of 136).

Second fastening means (137, 162 which is adjacent to 133).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salter or Takagi in view of Moles (US 6424823).

Regarding claim 3, Salter or Takagi shows the cover.

Salter or Takagi differs from the claimed invention in that it does not show that the cover forms different colors.

However, it is commonly seen that phone covers are formed with different covers. This is also taught Moles (col. 1, lines 29-32).

Hence, it would have been obvious for one of ordinary skill in the art to modify Salter's or Takagi's cover with different colors with/without the teaching of Moles, because it is commonly done in today's phones, such that to allow different phone manufactures to distinguish their products from each other (col. 1, lines 29-32).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483.

The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642